

REMARKS

This responds to the Office Action mailed on May 8, 2008.

Claim 1 is amended; claims 8-20 were previously canceled, without prejudice to the Applicant; as a result, claims 1-7 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraph 22, *etc.*

§103 Rejection of the Claims

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fristoe et al. (U.S. 7,178,161; hereinafter "Fristoe") in view of Wiser et al. (U.S. 6,385,596; hereinafter "Wiser"). To sustain an obviousness rejection each and every claim limitation must be taught or suggested in the proposed combination of references.

Applicant respectfully disagrees with the Examiner in that the Applicant does not believe that the Fristoe reference describes "selecting a purchasing system interface." The Examiner recites column 3 lines 29-42 and column 11 lines 7-24 for these purported teachings by the discussion associated with these references is related to tailoring a media player's look and feel to the instructions of the user. The user is not selecting a purchasing interface, the user is using a very specific interface to customize the look and feel of a media player. The interface is predetermined and set.

Conversely, Applicant's invention permits the purchasing system interface to be selected in response to a recipient's selection of available purchasing systems or in response to previously recorded preferences of the recipient. These limitations are not shown or suggested in the cited references.

Accordingly, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Serial Number: 10/645,691

Dkt: 1780.004US1

Filing Date: August 21, 2003

Title: METHODS, DATA STRUCTURES, AND SYSTEMS FOR MONITORING AND INTEGRATING MEDIA STREAMS

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (513) 942-0224 to facilitate prosecution of this application.

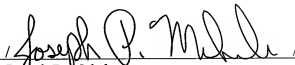
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Respectfully submitted,

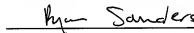
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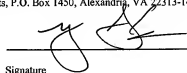
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of July, 2008.



Name



Signature